

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DANIEL PULLER, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

LEGENDS OWO, LLC,

Defendant.

No. 24-cv-209 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On April 10, 2024, Defendant moved to stay discovery in this action pending the Court’s decision on its motion to dismiss. Dkt. No. 20. Plaintiff objected to Defendant’s motion on April 19, 2024, Dkt. Nos. 26, 27, and Defendant replied on April 26, 2024, Dkt. No. 28.

“[I]mposition of a stay is not appropriate simply on the basis that a motion to dismiss has been filed.” *CT Espresso LLC v. Lavazza Premium Coffees Corp.*, 2022 WL 1639485, at *1 (S.D.N.Y. May 24, 2022). Instead, “the moving party must make a showing of ‘good cause’ to warrant a stay of discovery.” *Vida Press v. Dotcom Liquidators, Ltd.*, 2022 WL 17128638, at *1 (E.D.N.Y. Nov. 22, 2022) (quoting Fed. R. Civ. P. 26(c)). Having considered the parties’ letters and the relevant factors in deciding whether to stay discovery pending a dispositive motion—the strength of the dispositive motion, the breadth of discovery sought and the burden of responding to it, as well as prejudice to the party opposing the stay, *see Spencer Trask Software & Info. Servs., LLC v. RPost Int’l Ltd.*, 206 F.R.D. 367, 368 (S.D.N.Y. 2002)—the Court denies Defendant’s motion.

If, during the course of discovery, the parties conclude that a referral to Magistrate Judge Netburn or to mediation would be productive, they should so advise the Court.

SO ORDERED.

Dated: May 2, 2024
New York, New York

A handwritten signature in blue ink, appearing to be 'RA', is written above a horizontal line.

Hon. Ronnie Abrams
United States District Judge